

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA §
§
v. § CRIMINAL ACTION NO. 4:19-CR-00163-
§ ALM-AGD
EDGARDO PADILLA-RODRIGUEZ §

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Now before the court is the request for revocation of Defendant Edgardo Padilla-Rodriguez's ("Defendant") supervised release. After the District Judge referred the matter to this court for a report and recommendation, the court conducted a hearing on February 2, 2024, to determine whether Defendant violated his supervised release. Defendant was represented by Michael John Pannitto of the Federal Public Defender's Office. The Government was represented by Glenn Jackson.

Defendant was sentenced on June 29, 2021, before The Honorable Amos L. Mazzant, III of the Eastern District of Texas after pleading guilty to the offense of 8 U.S.C. § 1326(a), Reentry of a Deported Alien, a Class E felony. This offense carried a statutory maximum imprisonment term of two years. The guideline imprisonment range, based on a total offense level of six and a criminal history category of I, was zero to six months. Defendant was subsequently sentenced to five months imprisonment followed by a one-year term of supervised release, subject to the standard conditions of release, plus special conditions to include deportation. On July 1, 2021, Defendant completed his period of imprisonment and began service of the supervision term.

On April 25, 2023, the United States Probation Officer executed a First Amended Petition for Warrant or Summons for Offender Under Supervision (Dkt. #35, Sealed). The Petition asserts that Defendant violated two conditions of supervision, as follows: (1) (standard) Defendant must

report to the probation office in the federal judicial district where Defendant is authorized to reside within 72 hours of Defendant's release from imprisonment, unless the probation office instructs Defendant to report to a different probation office or within a different time frame; and (2) (mandatory) Defendant must not commit another federal, state, or local crime (Dkt. #35 at 1, Sealed).

The Petition alleges that Defendant committed the following acts: (1) Defendant failed to report to the United States Probation Office after his release from imprisonment; and (2) On January 30, 2023, a report was made to the Irving, Texas Police Department alleging that Defendant sexually assaulted his 17-year-old daughter on January 21, 2023, at Defendant's work site, which was a residence under construction. The victim reported that Defendant penetrated her mouth and her vagina without her consent. Defendant was arrested on February 7, 2023, and charged with Sexual Assault, a 2nd Degree Felony. Defendant was booked into the Dallas County Jail on February 8, 2023, under Booking Number 23005122 and remains in custody. Defendant has an Immigration and Customs Enforcement detainer. This matter was dismissed on January 22, 2024 (Dkt. #35 at 1-2, Sealed).

Prior to the Government putting on its case at the final revocation hearing, Defendant entered a plea of true to allegation (1) of the Petition. The Government announced that it was not going forward with allegation (2). Having considered the Petition and the plea of true to allegation (1), the court finds that Defendant did violate a condition of his supervised release.

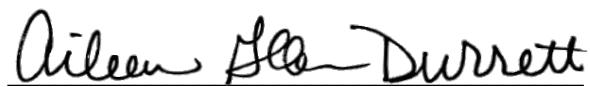
Defendant waived his right to allocute before the District Judge and his right to object to the report and recommendation of this court.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, the court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for an additional term of imprisonment of six (6) months with no term of supervised release to follow. Because Defendant has an over-served time credit in the amount of 689 days, the court recommends that Defendant's over-served time credit be applied to this term of imprisonment.

The court also recommends that Defendant be housed in the Bureau of Prisons facility in the Dallas/Fort Worth, Texas area if appropriate.

SIGNED this 2nd day of February, 2024.


Aileen Goldman Durrett
AILEEN GOLDMAN DURRETT
UNITED STATES MAGISTRATE JUDGE